

Message Text

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SUBJ: HUMAN RIGHTS

REF: 75 STATE 045319, 75 NEW DELHI A-57, 75 NEW
DELHI 13012, 75 NEW DELHI 13020, 75 NEW DELHI 16402,
NEW DELHI 2533, NEW DELHI A-37 AND A-58

1. IN RESPONSE TO THE QUESTIONS RAISED IN STATE
045319, NEW DELHI A-57 SUMMARIZES ORDINARY LEGAL GUAR-
ANTEES AND PROVISIONS FOR SUSPENSION UNDER INDIAN CON-
STITUTION. NEW DELHI 13012 AND NEW DELHI 13020
REVIEW THE CURRENT PRACTICE OF THE GOI WITH REGARD TO
THE RELEVANT PROVISIONS OF THE UNIVERSAL DECLARATION
OF HUMAN RIGHTS. THE ASSESSMENTS AND EVALUATIONS IN
THESE LATTER TWO MESSAGES REMAIN VALID AND ACCURATE
AT THE CURRENT TIME EXCEPT FOR SPECIFIC ESTIMATES OF
PERSONS UNDER DETENTION. THE EMBASSY'S MOST RECENT
ASSESSMENT ON THIS LAST POINT IS CONTAINED IN NEW
DELHI 2533. OUR COMMENTS ON AMNESTY INTERNATIONAL
ALLEGATIONS REGARDING ARRESTS OF LAWYERS ARE CONTAINED
IN THE MESSAGES IN NEW DELHI A-37 AND A58. OUR SPECI-
FIC COMMENTS ON CONDITIONS IN INDIAN JAILS, MAL-
TREATMENT OF PRISONERS, TORTURE, ETC., ARE CONTAINED
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IN REFS C AND E. THESE ALL REMAIN VALID AT THIS

TIME.

2. THE INDIAN SUPREME COURT HEARD ARGUMENTS FOR TWO MONTHS (DECEMBER 1975/JANUARY 1976) ON A CHALLENGE OF THE GOI'S RIGHT TO DENY HABEAS CORPUS AND NOTIFICATION OF CHARGES TO PERSONS WHO HAVE BEEN DETAINED. THE COURT DECISION IS EXPECTED SOMETIME IN MARCH. IT SHOULD BE NOTED THAT THE PRESS HAS BEEN ALLOWED TO REPORT QUITE FULLY ON THE ARGUMENTS ON BOTH SIDES OF THIS CASE.

3. WHEN THERE HAVE BEEN CASES OF DENIAL OF HUMAN RIGHTS OR DETENTION WITHOUT CHARGES OF AMERICAN CITIZENS, AS IN THE NOW CONCLUDED CASE OF HARCOS/FLETCHER IN CALCUTTA IN 1973-75, THE EMBASSY AND CONGEN IN CALCUTTA HAVE MADE REPEATED STRONG REPRESENTATIONS TO LOCAL AND GOI OFFICIALS. THE EMBASSY HAS NOT SPECIFICALLY RAISED THE HUMAN RIGHTS ASPECTS OF DENIAL OF HABEAS CORPUS OR DETENTION WITHOUT CHARGES OF INDIAN CITIZENS WITH OFFICIALS OF THE GO. THIS SUBJECT, HOWEVER, HAS BEEN TREATED REPEATEDLY BY THE AMERICAN PRESS AND HAS ELICITED EXTREMELY ANGRY COMMENTS BY THE PRIME MINISTER REJECTING FOREIGN CRITICISM. SENATOR MCGOVERN, DURING HIS VISIT TO INDIA LATE LAST YEAR, EXPRESSED HIS DISAPPROVAL OF BREACHES OF CIVIL RIGHTS IN INDIA BOTH PUBLICLY TO THE PRESS AND TO THE PRIME MINISTER. HIS PUBLIC REMARKS WERE CENSORED AND THE PRIME MINISTER DID NOT RESPOND TO HIS PRIVATE REMARKS OTHER THAN TO SET FORTH HER REASONS FOR DECLARING THE EMERGENCY. SAXBE

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